

Senate File 2249

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SENATE FILE 2249

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1 3 AN ACT
1 4 REGULATING CONTEST EVENTS INVOLVING ANIMALS, AND PROVIDING A
1 5 PENALTY AND EFFECTIVE DATE.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 9 Section 1. Section 99B.11, subsection 2, paragraph c, Code
1 10 2003, is amended to read as follows:
1 11 c. Contests or exhibitions of cooking, horticulture,
1 12 livestock, poultry, fish or other animals, artwork, hobbywork
1 13 or craftwork, except those prohibited by chapter 717A or
1 14 section 725.11.
1 15 Sec. 2. Section 709A.1, subsection 2, paragraph c, Code
1 16 2003, is amended to read as follows:
1 17 c. Any premises the use of which constitutes a violation
1 18 of ~~sections chapter 717A, or section 725.5, 725.10, or 725.11.~~
1 19 Sec. 3. Section 717D.1, subsection 2, Code Supplement
1 20 2003, is amended by striking the subsection.
1 21 Sec. 4. Section 717D.1, subsections 3, 4, 5, 10, and 11,
1 22 Code Supplement 2003, are amended to read as follows:
1 23 3. "Contest device" means equipment designed to enhance a
1 24 ~~contest an~~ animal's entertainment value during training or a
1 25 contest event, including a device to improve the contest
1 26 animal's competitiveness. A contest device includes but is
1 27 not limited to an implement designed to be attached in place
1 28 of a natural spur of a cock or other fighting bird in order to
1 29 enhance the bird's fighting ability, and which is commonly
1 30 referred to as a spur or gaff.
1 31 4. "Contest event" means a function organized for the
1 32 entertainment or profit of spectators where ~~a contest an~~
1 33 animal is injured, tormented, or killed, ~~if the contest animal~~
1 34 ~~is including but not limited to a bull involved in a bullfight~~
1 35 or bull baiting, a bear involved in bear baiting, a chicken
2 1 involved in cock fighting, or a dog involved in dog fighting.
2 2 5. "Establishment" means the location where a contest
2 3 event occurs or is to occur, regardless of whether ~~a contest~~
2 4 ~~an~~ animal is present at the establishment or the contest
2 5 animal is witnessed by means of an electronic signal
2 6 transmitted to the location.
2 7 10. "Trainer" means a person who trains ~~a contest an~~
2 8 animal for purposes of engaging in a contest event, regardless
2 9 of where the contest event is located. A trainer includes a
2 10 person who uses a contest device.
2 11 11. "Transporter" means a person who moves ~~a contest an~~
2 12 animal for delivery to a training location or a contest event
2 13 location.
2 14 Sec. 5. Section 717D.2, Code 2003, is amended by adding
2 15 the following new subsections:
2 16 NEW SUBSECTION. 2A. Possess or own an animal engaged or
2 17 to be engaged in a contest event conducted in this state or
2 18 another state.
2 19 NEW SUBSECTION. 2B. Be a party to a commercial
2 20 transaction for the transfer of an animal engaged or to be
2 21 engaged in a contest event conducted in this state or another
2 22 state, including but not limited to a transaction by purchase
2 23 or sale, barter, trade, or an offer involving such a
2 24 transaction.
2 25 NEW SUBSECTION. 3A. Possess, own, or manufacture a
2 26 contest device.
2 27 NEW SUBSECTION. 3B. Be a party to a commercial
2 28 transaction for the transfer of a contest device, including
2 29 but not limited to a transaction by purchase or sale, barter,
2 30 trade, or an offer involving such a transaction.
2 31 Sec. 6. Section 717D.2, subsections 3 and 4, Code 2003,
2 32 are amended to read as follows:
2 33 3. Act as a trainer of ~~a contest an~~ animal engaged or to
2 34 be engaged in a contest event conducted in this state or
2 35 another state. For purposes of this subsection, a person who
3 1 aids, abets, or assists in the training of ~~a contest an~~ animal
3 2 engaged or to be engaged in a contest event shall be deemed to
3 3 act as a trainer.
3 4 4. Act as a transporter moving ~~a contest an~~ animal engaged
3 5 or to be engaged in a contest event in this state.

3 6 Sec. 7. Section 717D.4, Code 2003, is amended to read as
3 7 follows:
3 8 717D.4 PENALTIES.
3 9 1. ~~Except as provided in subsection 2, a person who~~
3 10 violates a provision of this chapter is guilty of a ~~serious~~
3 11 ~~class "D" felony.~~
3 12 2. ~~A person who violates section 717D.2 by acting as a~~
3 13 ~~spectator of a contest event conducted in this state is guilty~~
3 14 ~~of an aggravated misdemeanor.~~

3 15 Sec. 8. Section 717D.5, Code 2003, is amended to read as
3 16 follows:

3 17 717D.5 CONFISCATION AND DISPOSITION OF ANIMALS.

3 18 1. A local authority may confiscate ~~a contest an~~ animal
3 19 that is ~~trained with a contest device or is part of a contest~~
3 20 ~~event involved in a violation of section 717D.2. The contest~~
3 21 ~~An animal that is livestock shall be considered neglected and~~
3 22 may be rescued and disposed of as ~~neglected livestock or other~~
3 23 ~~provided in section 717.5. An animal pursuant to which is not~~
3 24 ~~livestock shall be considered threatened and rescued and~~
3 25 ~~disposed of as provided in section 717.5 or 717B.4.~~

3 26 2. If ~~the contest an~~ animal ~~that is involved in a~~
3 27 ~~violation of section 717D.2~~ is not rescued and disposed of
3 28 pursuant to section 717.5 or 717B.4, it shall be forfeited to
3 29 the state and subject to disposition as ordered by the court.
3 30 In addition, the court shall order the owner of the ~~contest~~
3 31 animal to pay an amount which shall not be more than the
3 32 expenses incurred in maintaining or disposing of the ~~contest~~
3 33 animal. The court may also order that the person pay
3 34 reasonable attorney fees and expenses related to the
3 35 investigation of the case that shall be taxed as other court
4 1 costs. If more than one person has a divisible interest in
4 2 the ~~contest~~ animal, the amount required to be paid shall be
4 3 prorated based on the percentage of interest in the ~~contest~~
4 4 animal owned by each person. The moneys shall be paid to the
4 5 local authority incurring the expense. The amount shall be
4 6 subtracted from proceeds which are received from the sale of
4 7 the ~~contest~~ animal ordered by the court.

4 8 Sec. 9. Section 725.11, Code 2003, is repealed.

4 9 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
4 10 immediate importance, takes effect upon enactment.

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JEFFREY M. LAMBERTI
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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I hereby certify that this bill originated in the Senate and
is known as Senate File 2249, Eightieth General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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Approved _____, 2004

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THOMAS J. VILSACK

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Governor